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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,194	09/16/2003	Chris Stolte	061127-0005US	7148
24341 7590 08/14/2008 MORGAN, LEWIS & BOCKIUS, LLP. 2 PALO ALTO SQUARE 3000 EL CAMINO REAL PALO ALTO, CA 94306			EXAMINER FILIPCZYK, MARCIN R	
			ART UNIT 2163	PAPER NUMBER
			MAIL DATE 08/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/667,194	Applicant(s) STOLTE ET AL.	
	Examiner Marc R. Filipczyk	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 91-125 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 91-125 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to Applicant's RCE request and amendment filed on June 9, 2008. Claims 1-90 are cancelled and new claims 91-125 are submitted.

To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. amendments, 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 9, 2008 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 91, 102, 113, 124 and 125 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The feature of "detecting user interactions with the metadata display region and the first and second axis

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shelves to associate the first and second dimension levels with either the first axis shelf or the second axis shelf” was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As to claims 92-101, 103-112 and 114-123 depend from claims 91, 102, 113, respectively, and are thus rejected on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 91-125 are rejected under 35 U.S.C. 102(e) as being anticipated by Barg et al (U.S. Patent No. 6,707,454).

Regarding claim 91, Barg discloses a computer implemented method comprising:

displaying a graphical user interface (GUI) for visualizing a dataset having a hierarchical dimension, wherein the hierarchical dimension includes a first dimension level and a second dimension level, the GUI including a metadata display region and a data visualization region, wherein (fig. 2, items 110 and 122, col. 6, lines 18-67, specifically *Dimensional view and Multiscape view*):

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the metadata display region includes at least metadata about the first dimension level and the second dimensions level (figs. 1 and 2, and col. 6, lines 18-35), and

the data visualization region includes a first axis shelf, a second axis shelf, and a visual plot window (fig. 2, items 110 and 122, col. 6, lines 18-67, specifically *Dimensional view and Multiscape view*);

detecting user interactions with the metadata display region and the first and second axis shelves to associate the first and second dimension levels with either the first axis shelf or the second axis shelf, respectively (fig. 2, col. 5, lines 52-62); and

in response to the user interactions, forming in the visual plot window a visual plot having a first axis corresponding to the dimension level associated with the first axis shelf and a second axis corresponding to the dimension level associated with the second axis (fig. 2, items 110 and 122, col. 8, lines 49-54). In addition, Barg discloses changing a variable such as the dimension (col. 13, lines 12-17), select measures such as profits (col. 13, lines 18-23), arrange rows and columns (col. 13, lines 39-44), add, subtract, exclude and restore portions of displayed regions and populating data (figs. 1 and 2 and col. 13, lines 49-63), and all the options listed on figures 6 and 7 including focusing in on detailed data.

Regarding claim 92, Barg teaches the metadata display region is generated by:

identifying one or more dimensions from the dataset;

generating an ordered list of dimension levels for at least one of the identified dimensions (figs. 1 and 2, formulating views of data stored in cells using dimensions); and

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displaying the dimensions and their associated ordered lists of dimension levels in the metadata display region (figs. 1 and 2, formulating views of data stored in cells using dimensions, for details see col. 1, lines 60 to col. 2, line 67).

Regarding claim 93, Barg teaches:

identifying one or more measures from the dataset;

generating an ordered list of the identified measures (figs. 1 and 2, organizing information); and

displaying the ordered list of measures in the metadata display region (figs. 1 and 2, organizing information along a sequence of categories, for details see col. 1, lines 60 to col. 2, line 67).

Regarding claim 94, Barg teaches displaying an icon (fig. 2, item 110, bar chart) for the first dimension level in the metadata display region;

detecting a user selection of the icon in the metadata display region;

detecting a user selection of the first axis shelf in the data visualization region; and

moving a copy of the icon (bar chart) from the metadata display region into the first axis shelf in the data visualization region (fig. 2, items 110 and 122, col. 6, lines 18-67, specifically *Dimensional view and Multiscape view*);

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Regarding claim 95, Barg teaches populating the visual plot with at least a subset of the dataset in accordance with the arrangement of the first and second axis (figs. 2, 6 and 7, items 110, 122, 501, 502, 512, 514, 517 and 518, col. 6, lines 4-11 and 18-67 and relevant text).

Regarding claim 96, Barg teaches wherein populating the visual plot further includes:

dividing the visual plot into one or more panes (fig. 2, items 110, 112 and 122);

dividing the subset of the dataset into one or more sub-subsets, respectively (figs. 2 and 6 and 7, col. 6, lines 4-12, col. 13, lines 28-34, col. 14, lines 33-47);

generating a mark in a respective pane for each data record associated with the pane, wherein the mark is positioned along the first axis of the pane in accordance with the corresponding data value associated with the first dimensions level and the mark is positioned along the first axis of the pane in accordance with the corresponding data value associated with the second dimension level (fig. 2, items 110, 112 and 122 and related text).

Regarding claims 97, Barg teaches wherein the populating the visual plot further includes:

constructing a visual specification, wherein the visual specification defines a mapping from the dataset to the visual plot (figs. 2 and 6, items 110, 112, 122 and 501); and

retrieving data records from the dataset in accordance with the visual specification (fig. 6, item 504, col. 13, lines 18-23).

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Regarding claim 98, Barg teaches the first axis is in horizontal direction and the second axis is in the vertical direction (fig. 2, *product, product type and state*).

Regarding claim 99, Barg teaches the hierarchical dimension is time and the first level is higher than the second level in the natural hierarchy of time (figs. 1 and 2 and col. 2, lines 15-24).

Regarding claim 100, Barg teaches the hierarchical dimension is location and the first level is higher than the second level in the natural hierarchy of location (fig. 2, State, Region, hierarchy, and col. 2, lines 15-24).

Regarding claim 101, Barg teaches the hierarchical dimension is product and the first level is higher than the second level in the natural hierarchy of product (fig. 2, Product Tea, hierarchy and col. 2, lines 15-24).

With regard to claims 102-125, they comprise substantially the same limitations as rejected claims 91-101 and are therefore rejected on the same merits.

Response to Arguments

Applicant's arguments filed June 9, 2008 have been fully considered but they are not persuasive. The arguments and responses are listed below.

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Applicant argues that Barg does not teach “two levels of the same hierarchy dimension can appear at different axes of the same visual plot with different orientations”.

Examiner disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., see argument) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Barg teaches all the claimed limitations including manipulating axis and displaying different views (see figs. 2, 6, 7, abstract and col. 16, lines 23-36). For detailed information please refer to the rejection above.

No other issues were raised.

With respect to all the pending claims 91-125, Examiner respectfully traverses Applicants assertion based on the discussion and rejection cited above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R. Filipczyk whose telephone number is (571) 272-4019. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MF

August 8, 2008

/Marc R Filipczyk/

Examiner, Art Unit 2163

/don wong/

Supervisory Patent Examiner, Art Unit 2163